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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,219	01/17/2002	Bernard Danner	1999CH006	9387

25255 7590 06/15/2005

CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
4000 MONROE ROAD  
CHARLOTTE, NC 28205

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/049,219

Applicant(s)

DANNER ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-20 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-20 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Non-Final Rejection after RCE***

***Response to Amendment***

1. Claims 18-20 and 23-26 are pending.
2. The objection to claims 18 and 20 is withdrawn in light of applicants amendment to the claims.
3. The rejection of claim 20 under 35 U.S.C. 112, second paragraph, as being indefinite is withdrawn in light of applicants amendment to the claim.
4. The rejection of claims 18-21 under 35 U.S.C. 102(b) as anticipated Joyner et al. (US 4,483,969) is withdrawn in light of applicants amendment to the claims requiring the specified thickeners.
5. The rejection of claims 18-26 under 35 U.S.C. 102(b) as anticipated by Miracle et al. (US 5,576,282) is withdrawn in light of applicants amendment to the claims requiring the specified thickeners.
6. The rejection of claims 18-21 under 35 U.S.C. 103(a) as being unpatentable over Joyner et al. (US 4,483,969) is maintained for the reasons recited in the previous office actions and further explained below.
7. The rejection of claims 18-26 under 35 U.S.C. 103(a) as being unpatentable over Miracle et al. (US 5,576,282) is maintained for the reasons recited in the previous office actions and further explained below.

***Response to Arguments***

8. Applicant's arguments filed May 3, 2005 have been fully considered but they are not persuasive. Applicants urge that Joyner et al. and Miracle et al. fail to provide the required motivation to motivate one of ordinary skill in the art to add the thickening agent with the monofunctional end capped polyester as claimed.

Contrary to applicants arguments, Joyner et al. provide the required motivation to motivate one of ordinary skill in the art to add the thickening agent with the monofunctional end capped polyester as claimed. Specifically, Joyner et al. suggest end capped emulsifiable polyester wax in blends with various polyolefin, synthetic hydrocarbon and naturally occurring resins and rosins. See col.4,ln.45-65. Joyner et al. do not specifically teach the thickeners recited by the instant claims. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the teaching of Joyner et al. with a thickener chosen from the group comprising xanthan gum, and the recited polyacrylamides, because the broad teachings of Joyner et al. suggest end capped emulsifiable polyester wax in blends with various polyolefin, synthetic hydrocarbon and naturally occurring resins and rosins in general.

Also, contrary to applicants arguments, Miracle et al. provide the required motivation to motivate one of ordinary skill in the art to add the thickening agent with the monofunctional end capped polyester as claimed. Specifically, Miracle et al. teach detergent compositions comprising end capped emulsifiable polyester wax and further suggest including capping moieties which are especially effective in controlling molecular weight or altering the physical or surface active properties, which would

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encompass the broad category of thickeners. See col17,ln.15-20. Furthermore, Miracle et al. suggest the addition of paraffin, vinyl monomers of acrylic acid and carboxy methyl cellulose. See col.19,ln.54; col.20,ln.58; and col. Miracle et al. do not teach the specific thickeners recited by the instant claims. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the teaching of Miracle et al. with a thickener chosen from the group comprising xanthan gum, and the recited polyacrylamides, because the broad teachings of Miracle et al. suggest gel detergent compositions comprising end capped emulsifiable polyester wax and further suggest the utility of moieties which are especially effective in controlling molecular weight or altering the physical or surface active properties, which would encompass the broad category of thickeners in general. Furthermore, xanthan gum is well known in the art for its use as thickener, stabilizer, emulsifier and foaming agent. See <http://www.lsbu.ac.uk/water/hyxan.html> for common knowledge known in the art.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

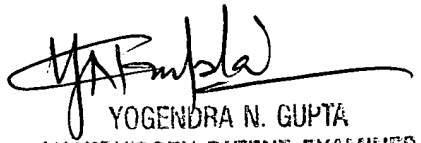
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar  
Examiner  
Art Unit 1751

PK



YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700